

Pesticide Education Program Fact Sheet

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USDA Record Keeping Requirements for Applicators Who Apply Restricted Use Pesticides

The Agricultural Marketing Service of the U.S. Department of Agriculture has implemented the National Pesticide Record Keeping Program as mandated by the 1990 Farm Bill. The Pesticide Records Branch has developed answers to the most frequent questions asked concerning the record keeping requirements. The attached questions and answers are provided to assist in clarifying the regulations.

Why were these regulations implemented for pesticide record keeping?

The 1990 Farm Bill or the Food, Agriculture, Conservation, and Trade Act of 1990, subtitle H, section 1491 states that the Secretary of Agriculture in consultation with the administrator of the Environmental Protection Agency (EPA) "shall require certified applicators of **restricted use pesticides (RUPs)** . . . to maintain records comparable to records maintained by commercial applicators of pesticides in each state." Certified applicators include both commercial and private applicators. EPA currently requires certified commercial applicators to keep records under regulations implementing the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). EPA's regulations do not require cer-

tified private applicators to maintain records. However, some individual states require certified private applicators to maintain records.

What is the difference between a certified commercial applicator and a certified private applicator?

A certified private applicator is defined as one who uses or supervises the use of a RUP for the purpose of producing any agricultural commodity on property owned or rented by the applicator or if applied without compensation, other than trading of personal services between producers of agricultural commodities on the property of another person. A certified commercial applicator is defined in the proposal as one who uses or supervises the use of a RUP on property other than as provided by the definition of "private applicator."

Some examples of commercial applicators under the proposed regulations would be applicators certified under categories such as forest, demonstration and research, ornamental and turf, industrial, institutional, structural and health related, right-of-way, and seed treatment.

What information would a certified applicator be required to maintain on a RUP?

The law requires you to record:

1. **The brand or product name of the restricted use pesticide and its EPA registration number.** (Federal law does not require that you record general use pesticide applications—only restricted use pesticides.)
2. **The total amount applied.** Record the total quantity of the product used—not the quantity after water or other substances were added. Amount does not refer to percent of active ingredients. Use the pesticide label for reference and record the amount in quantities similar to label language. For example, if the label states the pesticide is to be measured in pints or ounces, then record the amount in that measurement.
3. **The size of the area treated.** This information should be recorded in a unit of measure such as acre, linear feet, bushel, cubic feet, square feet, number of animals, etc., which is normally expressed on the pesticide label in reference to the application being made. For special applications such as alternate middles, weed wicks, or band application, record the total area covered. For example, if an 80-acre grove is treated using an alternate middle approach, the entire 80 acres would be recorded as the “size of area treated.”
4. **The crop, commodity, stored product, or site** to which the pesticide was applied. Refer to the pesticide label for guidance if you are unsure how to record this information.
5. **The location of the application.** Record the location of the treated area, not the ad-

dress of the farm or business. Your goal is to be able to identify the exact area of the application two years later if requested. The law allows any of the following designations: county, range, township, and section; maps or written descriptions; a USDA identification system such as those used by the Natural Resources Conservation Service or the Consolidated Farm Service Agency (formerly SCS and ASCS), which involves maps and a numbering system to identify field locations; or the legal property description.

6. **The month, day, and year** of the application.
7. **The applicator’s name and certification number** if applicable (some states do not assign numbers). If the application was made by someone who is not certified, then record the name and number of the certified applicator who supervised the application.

How to record spot applications

If you apply restricted use pesticides on the same day in a total area of less than one-tenth of an acre, you are required to record only the following: brand or product name; EPA registration number; total amount applied; month, day, and year of the application; identification of the application as a spot application; and a general description of the location (for example, “treated fire ant mounds in the lower creek pastures”) along with the words “spot application.”

This spot application provision excludes greenhouse and nursery applications, which are required to keep all of the data elements.

Additional requirements

The information must be recorded within 14 days following the pesticide application. It will be easier to accurately record the data if you record it promptly.

You must keep records for two years from the date of the pesticide application.

There is no required form. Any method (hand-written, typed, or computer generated) is acceptable as long as the required data is included.

Records by commercial applicators

If you hire a commercial applicator, note that the regulations require commercial applicators to give clients a copy of their pesticide application record within 30 days of the application.

Access to the record information is limited to:

USDA authorized representatives who present identification; state-authorized representatives who present identification; and attending licensed health care professionals, or those acting under their direction, when treating individuals who may have been exposed to restricted use pesticides.

Civil penalties:

A certified applicator who violates any provision of the regulations will for the first offense, be subject to a fine of not more than \$550 or for subsequent offenses, be subject to a fine of not less than \$1,100 for each violation. The penalty shall be less than \$1,100 if the administrator of USDA Agricultural Marketing Service or his or her designee determines that the certified applicator made a good faith effort to comply.

How will the records be surveyed?

USDA's National Agricultural Statistics Service (NASS) is currently conducting agricultural pesticide use surveys. NASS intends to continue its surveying with the additional purpose of developing a data base on the use of RUPs. The data base developed by NASS will be used to produce annual reports on the national use of RUPs to Congress.

Who will be responsible for surveying the non-agricultural uses of RUPs?

EPA will survey non-agricultural uses of RUPs.

Will agricultural producers be identified in reports generated from the survey?

No. The proposed regulations prohibit federal or state agencies from releasing information obtained under the proposal that would directly or indirectly reveal the identity of producers of commodities to which RUPs have been applied.

For additional information

For additional information about the pesticide record-keeping program, contact the Pesticide Records Branch, USDA, Agricultural Marketing Service, 8700 Centreville Road, Suite 202, Manassas, VA 20110-8411, phone (703) 330-7826, fax (703) 330-6110, or contact your **local county Cooperative Extension Service**.

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